

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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JAIME HUGHES, MARY CORONADO,
AUDREY MILLS, VIRGINIA
CARDOZA, KAREN DELUCCHI,
JOLENE GIBSON, BARBARA
HEDRICK, SUZANNE HENNING, WILL
JOHNSON, LINDA MAGER, MARIA
MACIAS, CARL MORROW, CANDICE
PRICE, VIRGINIA RUIZ, CARMEN
SIMMONS, TREASA TREDWELL,
MARINA TORRES, SHEILA WALL,
LORIE WEISS and KATHI LYNN
CORONADO,

Plaintiffs,

v.

CITY OF STOCKTON and DOES 1
through 100, in their
individual capacities,

Defendants.

NO. CIV. S 03-0166 MCE DAD

ORDER

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The Court's Final Pretrial Order of May 17, 2005 provided
that the issue of liability and damages in this case will be
bifurcated and tried separately. Defendant City of Stockton now
objects to that portion of the Final Pretrial Order and asks the

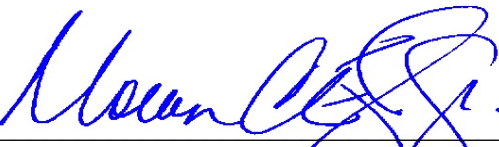
1 Court to permit a single trial. Defendant argues that because
2 questions of liability and damage are intertwined, judicial
3 efficiency is promoted by determining both issues in a single
4 proceeding.

5 Federal Rule of Civil Procedure 42(b) allows bifurcation "in
6 furtherance of convenience or to avoid prejudice, or when
7 separate trials will be conducive to expedition and economy."
8 Whether to bifurcate a trial into liability and damages phases is
9 committed to the sound discretion of the trial court (Union
10 Carbide v. Montell N.V., 28 F. Supp. 2d 833, 837 (S.D.N.Y.
11 1998)), and the court's decision in that regard may be disturbed
12 only upon a showing of clear abuse. Alexander v. Fulton County,
13 Ga., 207 F.3d 1303, 1325 (11th Cir. 2000).

14 Defendant's objection is overruled. Following further
15 reflection, and after carefully considering the parties'
16 arguments, the Court continues to find that bifurcation is
17 appropriate in this case. Assessing the threshold liability
18 question of whether Defendant's method in compensating overtime
19 was proper should be determined before issues pertaining to the
20 individual damage claims asserted by the twenty (20) different
21 Plaintiffs are even considered.

22 IT IS SO ORDERED.

23 DATED: May 27, 2005

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27 MORRISON C. ENGLAND, JR.
28 UNITED STATES DISTRICT JUDGE